

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG and  
FACEBOOK, INC.,

Defendants.

**NOTICE OF THIRD MOTION  
TO COMPEL AND FOR  
OTHER RELIEF**

Civil Action No. 1:10-cv-00569-  
RJA

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law, the annexed Declarations of Alexander H. Southwell, Esq., Michael F. McGowan, and Gerald M. LaPorte, and accompanying exhibits, the undersigned will move this Court, as soon as the motion may be heard by this Court, to compel Plaintiff's compliance with this Court's expedited discovery orders under Federal Rule of Civil Procedure 37, and for an order:

- (1) Directing Ceglia to comply with the provision of the Court's August 18 Order requiring him to identify and produce all electronic media, including all removable storage devices, in his possession, custody, or control since June 30, 2010, by supplementing his August 29 certification and producing the Seagate FreeAgent GoFlex USB device immediately;
- (2) Directing Ceglia to comply with the provision of the Court's August 18 Order requiring him to provide access to all email accounts that he has used since 2003, including the Adelphia.net account to which he still has not provided access;
- (3) Permitting Defendants to issue subpoenas to Ceglia's experts, John Paul Osborn and Valery Aginsky, for documents that Ceglia has improperly withheld, and to propound targeted interrogatories to Messrs. Osborn and Aginsky;

(4) Directing Ceglia to comply with the provision of the Court's August 18 Order requiring him to provide a supplemental declaration detailing what happened to the items he claims to have "lost" and his efforts to locate them;

(5) Compelling the production of all files in their native format, pursuant to the Court's August 18 Order;

(6) Overruling Ceglia's plainly improper privilege designations and compelling the production of all documents listed on his privilege logs;

(7) Compelling Ceglia to request the relevant webmail providers to release all account access logs, usage logs, and registration records, as well as any preserved copies of the accounts, to Stroz Friedberg pursuant to Plaintiff's consent and the Electronic Asset Inspection Protocol;

(8) Authorizing Defendants to issue subpoenas to relevant webmail providers and compelling Ceglia to consent to disclosure by those providers, to the extent the providers so require; and

(9) Awarding Defendants their reasonable attorneys' fees and all other relief to which they may be entitled.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Civil Rule of Procedure 7 of this Court, Defendants request oral argument and state their intention to file and serve reply papers.

Dated:           New York, New York  
                  October 14, 2011

Respectfully submitted,

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